

### **Remarks**

It is respectfully submitted that the present amendment and response is believed to be fully responsive to the final Office Action mailed on March 26, 2008. Claims 1-53 have been examined and are rejected. Attorney for the Assignee respectfully requests reconsideration of the application in view of the accompanying amendments and remarks. The present amendment amends independent Claims 1, 13, 28, and 41, and dependent Claims 2-3, 5, 8-11, 18, 26, 30-31, 38-39, 45, and 52, to clarify the scope of the claimed inventions. This amendment is submitted concurrently with a Request for Continued Examination (RCE) under 37 C.F.R. §1.114, a Petition for a One-Month Extension of Time and the appropriate fees. Reconsideration of the application in view of the present amendment and following remarks is respectfully requested.

### **Claim Rejection Under 35 U.S.C. § 103**

Claims 1-9, 13-15, 17-19, 22-37, and 41-50 were rejected under 35 U.S.C. 103(a) as being unpatentable over Templeton, et al., U.S. Patent No. 5,679,940 ("*'940 Patent'*"), in view of Templeton, et al., U.S. Publication No. 2003/0130919 ("*Templeton'*"), and Melchior, et al., U.S. Publication No. 2002/0178021 ("*Melchior'*"). Additionally, Claims 10-12, 16, 20, 21, 38-40, and 51-53 were rejected under 35 U.S.C. 103(a) as being unpatentable over the '*940 Patent'*, in view of *Templeton* and *Melchior*, and in further view of Nichols, et al., U.S. Publication No. 2002/0088849 ("*Nichols'*").

By the present amendment, independent Claims 1, 13, 28, and 41 have been amended in order to clarify the scope of the claimed invention of independent Claims 1, 13, 28, and 41. Specifically, independent Claim 1 has been amended to recite "a risk assessment component ... that obtains additional merchant parameters" and "selects, based at least in part on the additional merchant parameters, one or more of a plurality of risk assessment engines to evaluate the transmitted transaction information" (Underlining supplied). Independent Claims 13, 28, and 41 have been amended in a similar manner. Support for these amendments may be found at least in paragraphs [0039] and [0050] of the Specification and in Figure 2. For example, paragraph [0039] states in part:

[0039] Moreover, the risk system 150 further comprises a risk engine 152 that evaluates the risk assessment of the financial transaction based on the financial transaction details 142 or transaction data transferred from the interface 146, the internal database 156, and the external database 160. The risk scoring engine 154 may determine a risk score at the request of the non-cash payment acceptance service 110 and returns the risk score indicative of a probable risk assessment of the financial transaction. Advantageously, the risk scoring engine 154 may comprise a plurality of risk scoring engines 172a, 172b, 172c, etc., wherein each risk engine is adapted to address a plurality of possible financial transactions or transaction variables in a manner so as to permit improved accuracy in determining the risk score ...

Additionally, paragraph [0050] states in part:

[0050] ... The merchant parameters may include preference thresholds or classifications for determining low, moderate, and high risk assessment values. The merchant parameters may further include preferred risk engines, internal databases, and external databases to be used when evaluating risk for a particular financial transaction ...

In marked contrast to the claimed invention, neither the '940 Patent, *Templeton, Melchior*, nor *Nichols*, either taken alone or in combination, disclose, teach or suggest the element of selecting a risk assessment engine based at least in part on obtained or accessed additional merchant parameters. More specifically, as recognized by the final Office Action, the '940 Patent does not teach or suggest obtaining additional merchant parameters. Accordingly, the '940 Patent does not teach or suggest selecting a risk assessment engine based at least in part on the obtained additional merchant parameters.

*Templeton* also fails to teach or suggest these features. While the *Templeton* reference does relate to a system that obtains additional merchant parameters (See *Templeton* at paragraph [0091]), there is no indication in *Templeton* of selecting a risk assessment or risk scoring engine based at least in part on the obtained additional merchant parameters. Similarly, *Melchior* fails to teach or suggest selecting a risk assessment engine based at least in part on obtained additional merchant parameters. There is no teaching or suggestion in *Melchior* of selecting a risk assessment engine, much less selecting a risk assessment engine based at least in part on additional merchant parameters. Moreover, the *Nichols* reference also fails to teach or suggest these features.

As a result of selecting a risk assessment engine or group of risk assessment engines, improved accuracy in determining a risk score may be achieved (See, for example, Specification at paragraph [0039]). In example embodiments of the invention, a merchant may utilize merchant parameters to specify which risk assessment engines are utilized to analyze a transaction. In this regard, the accuracy of the risk score determination may be controlled by the merchant as desired in certain embodiments of the invention.

For at least these reasons, it is respectfully asserted that amended independent Claims 1, 13, 28, and 41 are allowable over the '*970 Patent, Templeton, Melchior, and Nichols*, either taken alone or in any combination thereof. Therefore, it is respectfully contended that the amended independent claims are in condition for allowance.

Additionally, it is respectfully submitted that dependent Claims 2-12, 14-27, 29-40, and 42-53 are allowable as a matter of law as depending from an allowable base claim, notwithstanding their independent recitation of patentable features. Accordingly, it is respectfully asserted that all of the pending claims of the application are in condition for allowance and prompt allowance of the same is requested.

**CONCLUSION**

It is respectfully asserted that each matter raised by the final Office Action has been responded to. Allowance of the claims is respectfully solicited. It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

If there are any issues which can be resolved by teleconference or an Examiner's Amendment, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



---

Rhett S. White  
Attorney for the Assignee  
Registration No. 59,158

Date: **July 25 2008**

SUTHERLAND ASBILL & BRENNAN LLP  
999 Peachtree Street NE  
Atlanta, Georgia 30309-3996  
Telephone: (404) 853-8037  
Facsimile: (404) 853-8806  
(First Data 040800 US)

Attorney Docket No.: 34250-1209